

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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POLICY GUIDE 98.14

PROVIDING SERVICES TO HEARING IMPAIRED PERSONS

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TO: Rules and Procedures Bookholders and All Department Staff

FROM: 
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I. PURPOSE

The purpose of this Policy Guide is to remind staff of the Department and purchase of (POS) service providers that the Department has specific, federally mandated policies regarding the provision of services to hearing impaired persons. A summary of those policies is provided. In addition, this Policy Guide provides additional information and clarification regarding services to hearing impaired persons and adds new requirements which affect purchase of service providers. Included in these new requirements is the Department's commitment to pay for certified interpreter or sign language translator services for Department clients served by purchase of service agencies. In addition, the Department will conduct ongoing training on the Department's rules and procedures regarding interpretive services and the Department's obligation to assure the compliance of its POS providers.

II. PRIMARY USERS

The primary users of these procedures are all staff of the Department and purchase of service providers.

III. KEY WORDS

Voluntary Compliance Agreement, Office of Civil Rights, hearing impaired persons, Telecommunications Devices for Deaf People (TDD), purchase of service providers (POS), State Deaf Services Coordinator, Deaf Code of Ethics, interpreter for the deaf, sign language translator, Registry of Interpreters for the Deaf (RID), Interpreter Skills Assessment Screening (ISAS).

IV. ORIGINAL AGREEMENT

On September 20, 1991, the Department entered into a Voluntary Compliance Agreement with the U.S. Department of Health and Human Services, Office of Civil Rights, which addressed how the Department would provide services to persons with hearing impairments and limited/non-English speaking persons. As the Agreement applied to persons with hearing impairments, the Department was required to take the following actions:

- 1) develop policies and procedures to assure effective communications between Department staff and all hearing-impaired persons coming into contact with the Department;
- 2) develop and implement a procedure for assessing special language needs at the point of intake and ensuring that the language needs are noted throughout case files and communicated between appropriate staff;
- 3) notify hearing impaired persons that the Department has entered into written agreements with sign language interpreter services or will otherwise provide appropriate interpreter services at the Department's cost;
- 4) not use family members or friends of adult hearing impaired persons as interpreters involving alleged abuse, neglect, dependency, or in hearings and appeals, and never use family members or friends of a hearing impaired child as interpreters for any purpose;
- 5) provide TDDs (The term TDD is generic and replaces the earlier term TTY which refers specifically to teletypewriter machines.) at each office, with appropriately trained staff, and publicize the TDD numbers to community agencies dealing with hearing impaired persons;
- 6) train all staff with direct client contact and their supervisors on all of the policies and procedures relevant to the Agreement;
- 7) implement and maintain a record-keeping system; and
- 8) review compliance by Department service providers.

As a result, the Department revised many of its procedures to address the issues described in the agreement. In addition, training was conducted in all Department Regions explaining the Department's policies on services to hearing impaired persons.

Compliance Issues

October 7, 1997, the Office of Civil Rights initiated an investigation pursuant to a complaint alleging that a person with a hearing impairment was discriminated against on the basis of her hearing impairment, because the Department failed to make adequate arrangements for the provision of sign language interpreters. The issues subject to

investigation included whether the person filing the complaint was denied sign language interpreters and whether the Department, through its methods of administration, fails to ensure that qualified disabled individuals are not subject to discrimination on the basis of disability.

New Agreement

The Office of Civil Rights will suspend further administrative action on the complaint pending verification that the Department completes the actions outlined in a new agreement. The provisions of the new agreement are:

- 1) The Department will develop or reiterate policy and procedures clearly stating the obligations of purchase of service providers to offer and provide sign language interpreters or other auxiliary aids which enable hearing impaired persons to participate and benefit from their services. The procedure must provide instructions on how to arrange for an interpreter (directly or through the Department) and whether the Department or the POS provider is responsible for the cost of the interpreter.
- 2) The Department will disseminate the policy and procedure to all current POS providers and provide training for these providers on its implementation.
- 3) The Department will develop a plan that ensures that all current POS providers, prior to executing a service contract, are made aware of their obligation to provide interpreter services and agree to adhere to the policy.
- 4) Through its State Deaf Services Coordinator, the Department will conduct training on the Department's policy and procedure regarding interpretive services and the Department's obligation to assure the compliance of its POS providers.
- 5) Through its State Deaf Services Coordinator, the Department will provide all regional and field offices within Cook County and statewide a composite list of resources for sign language interpreter services, updated at least annually, and ensure that all staff are informed of these resources via memoranda or other communication.
- 6) The Department will develop a plan and instructions which ensure that each regional office monitors and reviews its field offices and POS providers annually for compliance with the Department's policy regarding interpreter services.
- 7) The Department will appoint a person who will be responsible for evaluating each field office's and provider's procedure and/or plan of action to assure that each has demonstrated the ability to comply with the requirements, and for taking necessary corrective action whenever compliance problems are discovered.

V. HOW THE DEPARTMENT AND PURCHASE OF SERVICE AGENCIES WILL COMPLY WITH THE PROVISIONS OF THE NEW AGREEMENT

1) Current Department Policies That Address Services to Hearing Impaired Persons

Per the first provision of the new agreement, the Department must develop or reiterate its policy regarding the obligation to provide certified interpreter or sign language translator services, or other auxiliary aids to hearing impaired persons. The Department currently has service delivery procedures in effect for persons with hearing impairments (Attachment I). **Staff of the Department and purchase of service providers** shall review and adhere to these policies.

While the attached list represents the Department's written policy regarding services to hearing impaired clients, the same policy applies to all Department Rules and Procedures requiring contact, intervention, and services to hearing impaired clients.

If offices of the Department or Purchase of Service Agencies do not have the policies listed in Attachment I, they are to order them using e-mail to Central Stores or by submitting form CFS 108, Request for Forms, to:

DCFS Central Stores
406 E. Monroe, Station #01
Springfield, Illinois 62701
FAX (217) 785-1052, or
PROFS CFS9A46.

- 2) The second provision of the agreement is to disseminate the Department's policy and procedures to all current POS providers and provide training for these providers. The release of this Policy Guide, the procedure above for obtaining existing procedures on services to hearing impaired persons, and the clarifying procedure described in Section V. below on how purchase of services providers will arrange and pay for certified interpreter or translator services, constitutes the Department's response to the second provision. In addition, training on the procedures is being developed. A schedule of training will be released to purchase of service providers.
- 3) Regional contract staff shall give all new purchase of service providers a copy of this Policy Guide and the procedures listed in Attachment I prior to executing a service contract.

- 4) The State Deaf Services Coordinator will be instrumental in conducting training required by the agreement. As stated above, this training is being developed. The State Deaf Services Coordinator is:

Marsha Northrup
Department of Children and Family Services
100 West Randolph, Sixth Floor
Chicago, Illinois 60601

TDD Number: (312) 814-4117

For persons who do not have access to a TDD, Ms. Northrup can be reached via the Relay Service: 1- 800 - 526-0857.

- 5) Per provision five of the agreement, the State Deaf Services Coordinator will compile a statewide resource directory of sign language interpreters and translators. This directory will become available within 120 days of OCR approval of this Policy Guide, will be updated annually, and will be rereleased to staff of the Department and purchase of service agencies.
- 6) The plan for monitoring and reviewing field offices and purchase of service providers is being developed.
- 7) The appointment of liaisons at each field office of the Department and provider agencies is discussed in Section V.

VI. SPECIAL PROCEDURES

In order to ensure that the Department and purchase of service agencies are able to meet the needs of persons with hearing impairments who require the services of the Department or agency, the procedures described in this Section shall be followed. These procedures are intended as a supplement to and enhancement of the Department's existing procedures on services to the hearing impaired.

1) Office Liaisons

The Department and every purchase of service agency will appoint a liaison in every office that serves Department clients. The liaison is responsible for taking all reasonable and necessary efforts to assure compliance with the Department's policy regarding services to hearing impaired persons. The liaison will ensure that the office has at least one staff person and one back-up person who is:

- a) thoroughly familiar with Department policy regarding services to persons with hearing impairments;
- b) responsible for answering the office TDD, or in situations where a POS provider does not have a TDD, responsible for using the Illinois Relay Service;

- c) familiar with services and resources available to hearing impaired persons and is able to arrange for interpreter or translator services and other services as appropriate;
- d) responsible for evaluating the office's procedure and/or plan of action to assure that the office has demonstrated the ability to comply with the requirements of the agreement and Department procedures, including this Policy Guide. In addition, the liaison is responsible for taking corrective action if compliance problems arise.

2) Documenting First Contacts with Hearing Impaired Clients

As a supplement to the handicap and communication coding contained in the instructions for completing the CFS 1410, Case Opening/Registration Form, all offices will maintain a listing of the number of first contacts with hearing impaired persons who require a service from the office (DCFS or POS). This includes information and referral services. As it relates to subjects of child abuse and neglect reports which are unfounded or for which no case was opened, the listing will document the number of incidents but expurgate the names of the subjects. In addition, the listing will indicate whether arrangements were made for an interpreter or other related service.

At a later date the Department will conduct a survey of open cases to document the number of clients with hearing impairments and compare it to the numbers reflected on the CYCIS system.

3) Interpreter and Translator Services

- a) Whenever staff become aware that a hearing impaired person coming in contact with the Department or POS agency needs information or services and the person requires a sign language interpreter, staff will immediately attempt to obtain the services of a certified interpreter for the deaf or translator. If an interpreter or translator is not immediately available, the staff person will document all attempts to obtain one. Each region shall develop contracts or working agreements with sign language interpreter services or individual interpreters to ensure that each field office has access to interpreters when needed (Procedures 302(c)(3), Services Delivered by the Department).

A certified **interpreter for the deaf** must show proof of a certificate issued by the Registry of Interpreters for the Deaf (RID); a satisfactory evaluation by the National Association of the Deaf; a satisfactory Interpreter Skills Assessment Screening (ISAS) evaluation; or licensure or certification or a satisfactory evaluation or screening in another state.

A **sign language translator** is a person who is qualified to translate due to their education and experience.

- b) If the staff person does not know how to obtain an interpreter or translator, he or she must immediately contact the office liaison responsible for communication with hearing impaired persons.
- c) Payment for interpreter services or other auxiliary aids will be made using the procedures contained in **Procedures 359.5(k), Payment for Interpreter Services and Auxiliary Aids.**

- i) **Sign Language Interpreter and Translator Services**

- Type Service Code: 0411 (CFS 1042)**

- Instructions:** To pay for sign language interpreters or translators for hearing impaired clients. To be used when conducting official Department business with any hearing impaired person who is receiving Department services or seeks to apply for services who has identified sign language as the preferred mode of communication. Also used to enable hearing impaired clients to receive other services such as counseling, homemaker, etc. As negotiated through contracts and agreements.

- Interpreter or translator services are not billable if they are included in the agency's grant or program rate.

- ii) **Auxiliary Aids for Hearing Impaired Clients**

- Type Service Code: 0413 (CFS 932-1)**

- Instructions:** To pay for items as indicated in the case plan for hearing impaired clients, such as but not limited to: amplified phones; decoders which alert the hearing impaired person to phone calls, door bells, smoke or fire, baby crying, etc.; closed caption television devices; or other equipment designed for the hearing impaired. Telecommunication Devices for the Deaf (TDDs) are available to the hearing impaired free of charge. Consult medical payment policy, Section 359.9(D)(4) for the procurement of hearing aids. Actual cost.

VII. ATTACHMENTS

The following items are attached to this Policy Guide:

- Attachment I, Current Policy Documents that Address Services to Hearing Impaired Persons
- Attachment II, Code of Ethics of the Registry of Interpreters for the Deaf

VIII. FILING INSTRUCTIONS

Child Welfare Staff shall file this Policy Guide with Procedures 302, Subpart A, Section 302.30. Child Protective Staff shall file this Policy Guide with Procedures 300.100.

ATTACHMENT I

CURRENT DEPARTMENT POLICIES THAT ADDRESS SERVICES TO HEARING IMPAIRED PERSONS

Procedures 302, Services Delivered by the Department

Section 302.20, Definitions, provides a glossary of terms relating to communication access for persons with hearing impairments

Section 302.30, Introduction, contains the primary policy and procedural statements on how staff are to provide services to persons with hearing impairments. This Section addresses the need to:

- 1) Identify and document, from the very first contact with a client who is hearing impaired, the fact that the client is hearing impaired and the mode of communication used by the client;
- 2) give the client notice of the right to an interpreter at no cost to the client;
- 3) obtain the services of a certified interpreter for the initial contact or at the earliest time an interpreter can be secured with the Department paying for any costs;
- 4) identify the case records of clients who are hearing impaired.

In addition, this Section:

- 1) imposes restrictions on the use of family members, friends, and children as interpreters. Interpreters are bound by the Code of Ethics of The Registry of Interpreters for the Deaf (Attachment II).
- 2) requires Regions to:
 - a) develop contracts or working agreements with sign language interpreter services or individual interpreters;
 - b) compile a list of providers who provide services to persons who are hearing impaired and make the list available to staff;

Finally, Section 302.30 states that to meet the required face-to-face contacts with hearing impaired clients, the worker must be able to facilitate communication using the client's primary mode of communication, e.g. sign language. **NOTE:** The frequency of worker/client contact described in Procedures Section 302.30 has been superseded by the time frames required by Policy Guide 98.1, Permanency Initiative.

302, Subpart B, Reports of Child Abuse or Neglect or Incidents Involving Sexually Aggressive Wards

This Subpart describes the roles and responsibilities of child welfare staff when reports of child abuse or neglect or incidents of sexually aggressive behavior involve Department wards in their caseloads. When the procedures contained in this Subpart involve hearing impaired persons the same communication requirements as described in Section 302.30 must be followed.

Procedures 302, Subpart C: Department Child Welfare Services

Subpart C is devoted to listing and describing some of the major services delivered by the Department. The Introduction to this Subpart explains the communication requirements for delivering services to clients who are hearing impaired and/or have limited or no English- speaking ability. Interpreters are to be used for hearing impaired clients when delivering any of the services listed in Subpart C. Those services include but are not limited to:

- **Adoptive Placement Services, P302.310** (The rule counterpart of this Section has been replaced by Rules 309, Adoption Services for Children Who Are the Legal Responsibility of the Department of Children and Family Services. Procedures for Rules 309 are still under development).
- **Adoption Assistance, P302.310.**
- **Adoption Registry, P302.315.** (Also being replaced by Rule and Procedures 309).
- **Counseling or Casework Services, P302.320.**
- **Day Care Services, P302.330.**
- **Emergency Caretaker Services, P302.340**
- **Family Planning Services, P302.350**
- **Health Care Services, P302.360**
- **Homemaker Services, P302.370.**
- **Information and Referral Services, P302.380.**
- **Services to Meet Basic Needs, P302.385.**
- **Housing Advocacy Services, P302.386.**
- **Placement Services, P302.390** (The Rule counterpart of this Section has been replaced by Rules 301, Placement and Visitation Services).
- **Subsidized Guardianship Program, P302.405.**

Section 302, Subpart D, Intensive Family Preservation Services

There are no procedures for this Subpart. However, providers of intensive family preservation services are bound by the Department's Agreement with the Office of Civil Rights, to provide services to hearing impaired clients using the method of communication used by such clients.

Procedures 300, Reports of Child Abuse and Neglect

Section 300.30, Reporting Child Abuse or Neglect to the Department, contains the TDD number for communicating reports to the State Central Register.

Section 300.40, Content of Child Abuse and Neglect Reports, requires the State Central Register to ask persons who report whether any of the subjects of the report, i.e., child, family, alleged perpetrator, are hearing impaired and what is their preferred mode of communication.

Section 300.80, Pre-empted, Delegate, Cooperative, and Parallel Investigation, makes it clear that if an investigation is delegated to another agency, that agency must comply with requirements for communicating with hearing impaired clients.

Section 300.100, Initial Investigation through Section 300.160 and all Appendices to Procedures 300. Section 300.100 describes the principal communication requirements that investigators must follow when the report involves hearing impaired persons. All subsequent Sections reinforce the requirements

Procedures 301, Placement and Visitation Services

Section 301.60, Placement Selection Criteria, requires the Department to help foster parents caring for children with hearing impairments obtain supportive services or equipment for the safety of and to facilitate communication with those children.

Procedures 305, Client Service Planning

Section 305.30 (e), The Critical Decisions, requires that hearing impaired persons be informed of critical decisions and the right to appeal those decisions through means of interpreters or TDDs.

Section 305.50, Service Plan, requires the use of interpreters when developing the service plan with clients who are hearing impaired.

Section 305.60, Case Review System, addresses the attendance of interpreters at administrative case reviews (ACRs). The Department must provide interpreters for hearing impaired clients to attend the ACR. In addition, included in the good reasons for rescheduling the ACR is the inability to obtain an interpreter for the ACR.

P305, Appendix G, Protocols for Case Reviews, includes the identification of the communication needs of hearing impaired clients.

Rule 336, Appeal of Child Abuse and Neglect Investigation Findings

Rule Section 336.120(e), requires the Department to supply interpreters for hearing impaired clients at no cost to the clients.

Rule 337, Service Appeal Process

Procedures 337.70, What May Be Appealed. Appealable services include the special needs of hearing impaired clients, such as interpreters and other aids for the hearing impaired.

Rule Section 337, Fair Hearing Appeal Rights, requires the Department to supply interpreters for hearing impaired clients at no cost to the clients.

Rule 384, Discipline and Behavior Management in Child Care Facilities

Rule Section 384.60(h), provides procedures for the use of physical restraint with children whose primary mode of communication is sign language.

Procedures 359, Authorized Child Care Payments

Section P359.5(k), Payment for Interpreter Services and Auxiliary Aids, provides payment procedures to purchase interpreter services and auxiliary aids for hearing impaired clients.

Administrative Procedures #5, Case Record Organization and Uniform Recording Requirements

Section 5.10, Case Record Organization, describes the method of identifying the case records of clients with communication needs.

AP#5, Appendix D, the instructions for the **CFS 1410, Registration/Case Opening Form**, has a field and a code to record the client's primary language or mode of communication. The code for sign language is "SI" and **must be entered** for hearing impaired clients who communicate through the use of interpreters. In addition, the appropriate **disability code must be entered** for deaf.

ATTACHMENT II

CODE OF ETHICS OF THE REGISTRY OF INTERPRETERS FOR THE DEAF

The Registry of Interpreters for the Deaf, Inc., has set forth the following principles of ethical behavior to protect and guide interpreters and transliterators and hearing and deaf consumers. Underlying these principles is the desire to insure for all the right to communicate.

This Code of Ethics applies to all members of the Registry of Interpreters for the Deaf, Inc., and to all certified non-members.

1. Interpreters/translitterators shall keep all assignment-related information strictly confidential.
2. Interpreters/translitterators shall render the message faithfully, always conveying the content and spirit of the speaker using language most readily understood by the person(s) whom they serve.
3. Interpreters/translitterators shall not counsel, advise or interject personal opinions.
4. Interpreters/translitterators shall accept assignments using discretion with regard to skill, setting, and consumers involved.
5. Interpreters/translitterators shall request compensation for services in a professional and judicious manner.
6. Interpreters/translitterators shall function in a manner appropriate to the situation.
7. Interpreters/translitterators shall strive to further knowledge and skills through participation in workshops, professional meetings, interactions with professional colleagues, and reading of current literature in the field.
8. Interpreters/translitterators, by virtue of membership or certification by the RID, Inc., shall strive to maintain high professional standards in compliance with the Code of Ethics.